

2890.2100 DEVIATIONS FROM PROPOSED TASKS OR MAXIMUM COSTS FOR CONSULTANT SERVICES.

Subpart 1. Deviations from proposed tasks or maximum costs after proposal approved by applicant.

A. Costs for tasks performed that are different than or in addition to the tasks specified in a proposal for a step of services approved by the applicant are not prima facie unreasonable when:

- (1) the applicant approves a change order for the different or additional tasks;
- (2) the different or additional tasks were required by circumstances beyond the control of the consultant or applicant that could not have been reasonably anticipated when the proposal was accepted by the applicant; and
- (3) the applicant documents that the different or additional tasks:
 - (a) met the objectives for that step of services; and
 - (b) were essential to complete the objectives for that step of services.

B. Consultant services charges for a task that exceed the cost specified for that task in a proposal approved by the applicant are not prima facie unreasonable when:

- (1) the applicant approves a change order for the higher cost for the task;
- (2) the higher cost for the task was required by circumstances beyond the control of the consultant or applicant that could not have been reasonably anticipated when the proposal was accepted by the applicant; and
- (3) the applicant documents that the higher cost was essential to complete the objectives for that step of services.

C. The applicant must approve change orders on a form prescribed by the board. The change order must contain the following:

- (1) a detailed description of the different or additional tasks;
- (2) the reason for the changes from the original proposal;
- (3) the amount originally proposed for each affected task and the amount actually charged for each affected task; and
- (4) signatures of the applicant and the consultant.

Subp. 2. **Additional or different tasks approved by the agency.** Notwithstanding subpart 1, costs for tasks performed that are different than or in addition to those specified in a proposal for a step of services approved by the applicant are not prima facie unreasonable when the agency states in writing before the performance of those tasks that the performance of those tasks is necessary and appropriate for the completion of the corrective action.

Statutory Authority: *MS s 115C.07*

History: *20 SR 227; 28 SR 383*

Published Electronically: *September 14, 2007*